

58-78-101. Title.

This chapter is known as the "Vocational Rehabilitation Counselors Licensing Act."

Enacted by Chapter 122, 2009 General Session

58-78-102. Definitions.

In addition to the definitions in Section 58-1-102, as used in this chapter:

(1) "Board" means the Vocational Rehabilitation Counselors Licensing Board created in Section 58-78-201.

(2) "Licensed vocational rehabilitation counselor" means an individual licensed under this chapter who is engaged in the practice of providing vocational rehabilitation services.

(3) "Practice of providing vocational rehabilitation services" means rendering or offering to an individual, group, organization, or the general public vocational rehabilitation services:

- (a) in public or private practice;
- (b) for compensation; and
- (c) involving the application of principles, methods, or procedures of the vocational rehabilitation counseling profession, which include:
 - (i) vocational assessment;
 - (ii) vocational rehabilitation counseling and guidance;
 - (iii) vocational and other training services;
 - (iv) self-employment plans;
 - (v) job analysis; and
 - (vi) job placement.

Enacted by Chapter 122, 2009 General Session

58-78-201. Board.

(1) There is created the Vocational Rehabilitation Counselors Licensing Board consisting of four licensed vocational rehabilitation counselors and one individual representing the general public.

(2) The board shall be appointed and serve in accordance with Section 58-1-201.

(3) (a) The duties and responsibilities of the board shall be in accordance with Sections 58-1-202 and 58-1-203.

(b) The board may also designate one of its members on a rotating or permanent basis to:

- (i) assist the division in reviewing complaints concerning unlawful or unprofessional conduct of a licensee; and
- (ii) advise the division in its investigation of these complaints.

(4) A board member who has, under Subsection (3), reviewed a complaint or advised in its investigation may be disqualified from participating with the board when the board serves as a presiding officer in an adjudicative proceeding concerning that

complaint.

Enacted by Chapter 122, 2009 General Session

58-78-301. License required.

(1) Beginning January 1, 2010, and except as provided in Sections 58-1-307 and 58-78-304, a license is required to engage in the practice of vocational rehabilitation counseling.

(2) The division shall issue to an individual who qualifies under this chapter a license to practice vocational rehabilitation counseling.

Enacted by Chapter 122, 2009 General Session

58-78-302. Qualifications for licensure -- Licensure by credential.

(1) Except as provided in Subsection (2), an applicant for licensure as a vocational rehabilitation counselor under this chapter shall:

- (a) submit an application in a form as prescribed by the division;
- (b) pay a fee determined by the department under Section 63J-1-504 to recover the costs of administering licensing requirements relating to vocational rehabilitation counselors;
- (c) be of good moral character;
- (d) provide satisfactory evidence of having earned a master's degree in rehabilitation counseling or a related field;
- (e) provide satisfactory evidence of having 4,000 hours of disability related work experience under the supervision of a licensed vocational rehabilitation counselor, except as otherwise provided in Subsection (2); and
- (f) meet the examination requirement established by rule by the division in collaboration with the board.

(2) The division may issue a license under this chapter to an individual who is licensed in another state or jurisdiction to practice vocational rehabilitation counseling if the division finds that the other state or jurisdiction has substantially the same or higher licensure requirements as this state.

Amended by Chapter 367, 2011 General Session

58-78-303. Term of license -- Expiration -- Renewal.

(1) The division shall issue each license under this chapter in accordance with a two-year renewal cycle established by rule.

(2) Each license automatically expires on the expiration date shown on the license unless renewed by the licensee in accordance with Section 58-1-308.

(3) Each person holding a license under this chapter as a vocational rehabilitation counselor shall complete in each period of licensure a program of qualifying continuing professional education in accordance with standards defined by rule.

Amended by Chapter 367, 2011 General Session

58-78-304. Exemption from licensure.

In addition to the exemptions from licensure in Section 58-1-307, the following may engage in the practice of vocational rehabilitation counseling subject to the stated circumstances and limitations, without being licensed under this chapter if they do not use the title of vocational rehabilitation counselor or are not directly represented or held out to the public to be legally qualified to engage in the practice of vocational rehabilitation counseling before the public in this state:

- (1) an individual employed or supervised by a licensed vocational rehabilitation counselor while carrying out specific tasks under the licensee's supervision; and
- (2) a priest, rabbi, or minister of the gospel of any religious denomination.

Enacted by Chapter 122, 2009 General Session

58-78-401. Grounds for denial of license -- Disciplinary proceedings.

Grounds for the division to refuse to issue a license to an applicant under this chapter, to refuse to renew the license of a licensee, to revoke, suspend, restrict, or place on probation the license of a licensee, to issue a public or private reprimand to a licensee, and to issue a cease and desist order to a licensee shall be in accordance with Section 58-1-401.

Enacted by Chapter 122, 2009 General Session

58-78-501. Unlawful conduct.

In addition to the definition in Section 58-1-501, "unlawful conduct" includes using the title "vocational rehabilitation counselor" or any other title or designation tending to indicate that the individual is a vocational rehabilitation counselor unless the individual has a current license as a vocational rehabilitation counselor issued under this chapter.

Enacted by Chapter 122, 2009 General Session

58-78-502. Unprofessional conduct.

"Unprofessional conduct" includes, in addition to the definition in Section 58-1-501 and as may be further defined by rule, engaging in an act or practice in a professional capacity which the licensee is not competent to perform through training or experience.

Enacted by Chapter 122, 2009 General Session